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**NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Eloise K. Hahn, P.E., R.E.M.

Assigned Judge: Judge Coar

V.

CIVIL ACTION
No. 08CV2333

US EPA Region 5

Peter Swenson, Chief NPDES Programs Branch, USEPA

Alan Nudelman, Water Division, US EPA Region 5

Merry Jackson, USEPA Region 5

Tinka Hyde, USEPA Acting Director, Water Division

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MAY 14 2008
MAY 14 2008

**MICHAEL W. DOBBINS
CLERK, U. S. DISTRICT COURT**

AMENDED COMPLAINT FOR EMPLOYMENT DISCRIMINATION

1. This is an action of employment discrimination.
2. The plaintiff is Eloise K. Hahn, P.E., R.E.M. of the county of Cook in the State of Illinois.
3. The defendants, the USEPA, Region 5, Peter Swenson, Director of NPDES Programs Branch, Water Division, is employed at 77 West Jackson, Chicago, IL 60604, along with his fellow friends being, Alan Nudelman, Merry Jackson and Tinka Hyde, Water Division Acting Chief, who are employed at The USEPA Office, located at 77 West Jackson, Chicago, 60604-3590, in the county of Cook, State of Illinois, 60604. Mr. Swenson's direct phone number is (312) 886-0236.

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4. The Plaintiff sought employment or has been employed by the Defendants since June 1989. The Plaintiff transferred her civil service employment from the Department of the Army Rock Island Arsenal and Chemical Munitions Command in 1990 when she was hired by the USEPA Region 5 Division of Compliance and Enforcement, Water Division on or about May 1990. Hence, Plaintiff has approximately 19 years of service with the United States government as an Engineer, Civil Service.

5. The Plaintiff was hired by the USEPA in May 1990 and is still employed by the Defendants.

6. The Defendants discriminated against the Plaintiff on or about July 2, 2002. The discrimination focused on sex discrimination, marital status, harassment, national origin, race, religion, disability, color and age. Further, the Plaintiff was not given equal pay nor equal rights to her entitled benefits for leave and flexi-place. Finally, the Plaintiff has continually been denied her civil rights to use the restroom without putting in for annual leave, call her family or travel for the USEPA.

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7. The Plaintiff has filed a charge or charges against the Defendants asserting the acts of discrimination indicated in this Complaint with the United States Regional Civil Rights Office on March 10 and April 25, 2008.
8. A copy of the EEOC Counselor's Initial Interview Charges were filed with the Honorable Judge Coar's Deputy Clerk on May 13, 2008. Additional investigation is advised for thirty (30) additional days to see if a settlement can be achieved such as the Plaintiff being transferred to the US Naval Base in Chicago or Hawaii or Plaintiff be granted Disability Retirement Benefits.
9. The United States Environmental Protection Office, Region 5, has advised the Plaintiff that if settlement cannot be achieved during the informal investigation process she will be issued a Right to Sue Notice.
10. The Defendants have discriminated against the Plaintiff because of Plaintiff's:
 - (a) Age (Age Discrimination Act)
 - (b) Color (Title VII of the Civil Rights Act of 1964 and 42

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U.S.C. Section 1981.

- (c) Disability (Americans with Disabilities Act).
- (d) National Origin (Title VII of the Civil Rights Act Of 1964 and 42 U.S.C. Section 1981.
- (e) Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C Section 1981.
- (f) Marital Status
- (g) Religion (Title VII of the Civil Right Act of 1964)
- (h) Sex (Title VII of the Civil Rights Act of 1964)
- (i) Non-equal pay
- (j) Non-equal benefits
- (k) Sexual harassment

11. The Plaintiff is suing the Defendants, including the Federal government for discrimination on the basis of national origin, race, color, age, marital status, sex, religion, sexual harassment, non-equal pay and benefits, deformation of character and disabilities.
12. Jurisdiction over the statutory violations alleged is conferred as follows: over Title VII claims by 28 U.S.C. Section 1331, 28

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U.S.C. Section 1343(a)(3), and 42 U.S.C. Section 2000e-5(f)(3); over 42 U.S.C. Section 1981 and Section 1983 by 42 U.S.C. Section 1988; over the A.D.E.A. by 42 U.S.C. Section 12117.

13.
 - a) The Defendants plan to terminate the Plaintiff on June 2, 2008, without Plaintiff having a jury trial.
 - b) The Defendants failed to promote Plaintiff.
 - c) The Defendants failed to reasonably accommodate the Plaintiff's religion.
 - d) The Defendants failed to reasonably accommodate the Plaintiff's disabilities.
 - e) The Defendant's failed to grant Plaintiff flexi-place privileges.
 - f) The Defendant's failed to provide Plaintiff equal pay and benefits.
14. The facts supporting the Plaintiff's claim for discrimination are as follows:

COMPLAINT FOR DAMAGES

Count 1

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1. Plaintiff is not an alcoholic but is diagnosed with hypothyroidism and sleeping disorder .
Plaintiff's psychiatrist, Dr. Sheldon Greenberg, will verify this once I obtain an attorney.
2. It is Plaintiff's belief that the Defendants knowingly, intentionally, discriminated and harassed Plaintiff to defame Plaintiff's character and may be liable for a personal injury suit due to mental cruelty to unjustly propose to terminate Plaintiff without evidence of being intoxicated.

WHEREFORE Plaintiff respectfully prays the court for judgment against the Defendants in the amount of \$1,000,000 for terminating Plaintiff's employment prematurely of about ten years, including \$1,200,000 for lost retirement benefits Plaintiff would have received if Plaintiff was not unjustly terminated.

Count II

COMES NOW Plaintiff, pro se, and for her cause of action alleges and says:

1. That the contents of Count 1, paragraphs 1-2 are incorporated

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herein and made a part hereof.

2. That the Defendants, Peter Swenson and Alan Minor have intimidated, harassed, defamed and falsely accused malicious allegations against the Plaintiff in order to demean the Plaintiff's reputation to such an extent that she is now required to take valium and seroquel (sleeping pills) to get her sleep nightly.
3. That the Defendants, Peter Swenson and Alan Nudelman contacted Homeland Security on May 22, 2007, when the Plaintiff was suffering from broken ribs requiring pain killers. Additionally, when Homeland Security arrested the Plaintiff, she was taken to an underground prison in the IRS building for approximately six hours. Plaintiff requests this honorable court to obtain the video tape of the incidence for trial. Plaintiff suffered even more by being incarcerated since she was chained to a bench whereby her ribs were exposed to more damage. Finally, Plaintiff screamed for her life, particularly she was having a hard time to breathe. Only after Plaintiff screamed for medical attention did Homeland Security consider her imminent medical attention and take Plaintiff to the Northwestern Hospital's Emergency Room.

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4. Plaintiff recalls Homeland Security gossiping about Plaintiff citing, "Do you think we should have locked her up after all she is an Environmental Engineer".
5. At approximately 8:00 p.m. on May 22, 2007, Plaintiff was thrown into a police van attributing to her eyeglasses getting demolished, i.e., to replace the glasses attributed to a \$700 expenditure.
6. When Plaintiff arrived at the emergency room she was restrained with handcuffs to the hospital bed due to trauma. Additionally, without the Plaintiff's consent she was injected with a lethal drug without Plaintiff's permission. Plaintiff immediately contacted her daughter and nephew and instructed them to come to the emergency room immediately. Plaintiff's daughter and nephew were instructed by the hospital to return to the hospital sometime after midnight contingent on obtaining an xray of Plaintiff's chest. The findings were that Plaintiff may have been suffering from an abnormal infiltrate, however, Oak Park Hospital's findings were that Plaintiff was suffering from broken ribs, as documented by Plaintiff's family

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physician, Dr. Guo. The Plaintiff arrived to her residence approximately at 2:00 a.m. on May 23, 2007.

11. That Plaintiff's daughter advised the Northwestern Hospital that Plaintiff was not acting any differently than she had for the past 16 years.
12. That Plaintiff's nephew was enraged with the false arrest, mental anguish and cruelty, and physical suffering Plaintiff had experienced through this traumatic event.
13. That Homeland Security required Plaintiff to pay \$500 for the arrest.

WHEREFORE, the Plaintiff prays to this honorable court for a supeona to obtain a copy of the video tape incidence, as well as, expunge this incidence from Plaintiff's employment file and compensate her for the \$1,200 plus medical expenditures she endured for this false arrest.

Count III

COMES NOW Plaintiff, pro se, and for her cause of action alleges and says:

1. That the contents of Count I, paragraphs 1-2, are incorporated

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herein and the contents of Count II, paragraphs 1-13 are incorporated herein.

2. That on March 6, 2008, Plaintiff took her lunch from 11:35 a.m. to 12:05 p.m. After lunch Plaintiff proceeded to the restroom to brush her teeth, powder her nose and use the toilet. When she returned to her desk at 12:35 p.m. Plaintiff was falsely accused of an unexcused absence whereby Mr. Swenson demanded a leave slip from Plaintiff for using the restroom. Additionally, Mr. Swenson falsely accused Plaintiff of making a telephone call for travel arrangements. Plaintiff denies this allegation and affirmatively states Plaintiff could not make any travel arrangements without money. Further at approximately 3:00 p.m. that afternoon Plaintiff took her 15 minute break to go to her car and get some vital paperwork that Plaintiff needed to continue her work that day. When Plaintiff was at the garage Mr. Swenson and Mr. Nudelman followed her and alleged Plaintiff was absent without leave. Finally, Mr. Swenson grabbed Plaintiff's car keys and threw her body into his car as if she was being kidnapped. Plaintiff believes Mr. Nudelman

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stole Plaintiff's car keys and kept moving her vehicle throughout the garage so Plaintiff could not escape from Mr. Swenson's vehicle. Mr. Swenson insisted to drive Plaintiff to her son's house in Indiana since Plaintiff advised Mr. Swenson that she had promised her son that she would get the furnace fixed on May 7, 2008.

13. Plaintiff requested both Mr. Nudelman and Mr. Swenson if she could obtain her blood sugar testing kit. They refused attributing to Plaintiff's confusion as she believes she was suffering from low blood sugar.

14. On March 7, 2008, Plaintiff had to incur a \$15.00 taxi charge to get to the South Shore train and go back to Chicago to get her keys from Mr. Nudelman.

WHEREFORE, Plaintiff respectfully requests statutory damages against the Defendants, Alan Nudelman and Peter Swenson for sexual harassment and deformation of character including treble damages and costs in that the Defendants, Alan Nudelman and Peter Swenson, are attempting to terminate the Plaintiff unjustly for Plaintiff taking a break and wanting to test her blood sugar and for all other just and

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proper relief in the premises.

Count IV

1. That the contents of Count I, paragraphs 1-2 are incorporated herein and the Contents of Count II, paragraphs 1-13, including the Contents of Count III, paragraphs 1-14 are incorporated herein.
2. That Plaintiff has been accused by Mr. Swenson of misuse of her travel card from Morgan Chase.
3. That the Plaintiff denies misuse of the travel card as all balances are paid in full and were timely. Further, Plaintiff was advised by the Morgan Chase personnel that the previous administrator, Mary Gade, had approved Plaintiff to use the travel card for any and all food expenditures, including gas to do her job both on or off travel. In addition the bank had advised Plaintiff she was allowed to use the card to buy her medications in an emergency.
4. Plaintiff 's last previous trips was one trip to MN in 2002 and two trips to Minnesota and Michigan in 2007. While Plaintiff was engaged in full time employment in the Compliance and Enforcement Section of the Water Division Plaintiff traveled frequently and never was prosecuted for any misuse.

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5. Plaintiff affirmatively states that she was instructed to use the travel card for expenditures attributed for Plaintiff to accomplish her mission for the USEPA Region 5. Plaintiff apologizes if the USEPA believes she knowingly used the Travel card illegally since The bank had advised her differently.

WHEREFORE Plaintiff respectfully prays to the court for a supeona to Morgan Chase telephonic tapes with respect to conversations with Plaintiff and bank personnel, a supeona to obtain the video tape of Plaintiff's incarceration in the IRS jail May 22, 2007 and \$2,200,000 for costs and damages to Plaintiff and for all other just and proper relief in the premise including a disability retirement pension if the termination occurs instead of a transfer to the Naval base in Hawaii or Chicago or a transfer to the Internal Revenue Service. Additionally, Plaintiff prays to this honorable court for the following:

- a) To direct the Defendants to withdraw all allegations alleged currently to terminate her, including expunging all adverse documentation in her personnel file;
- b) That the defendants provide Plaintiff annual & sick leave, including equal pay;

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- c) That the Defendants grant the Plaintiff flexi-place;
 - d) That the Defendants provide reasonable accomodation to Plaintiff's disabilities;
 - e) That the Defendants promote her immediately;
 - f) That the Defendants quit harassing the Plaintiff;
 - g) That the Plaintiff be granted appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- I h) Grant such other relief as the Court and jury find appropriate, including full retirement benefits.

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